

REMARKS

Claims 1-22 were rejected under 35 U.S.C. §§ 102 & 103. Applicants respectfully traverse these rejections in their entirety. Claims 1, 8, 15 and 19 have been revised.


I. REJECTIONS UNDER 35 U.S.C. §102(E)

A. REJECTION OF CLAIMS 1-3, 6

Claims 1-3 and 6 have been rejected under 35 U.S.C. §102(e) as being anticipated by Bellenger (U.S. Patent No. 5,802,054). As the Examiner is aware, Bellenger discloses an atomic switch for local area networks. The atomic switch includes node route logic coupled to flow detect logic. The flow detect logic monitors frames received by the ports and generates an identifying tag for use in accessing a route table memory. *See column 3, lines 9-11 of Bellenger.* One identifying tag is used for a sequence of frames, and can be used to block frames having the particular identifying tag. *See column 3, lines 16-19 and 52-54 of Bellenger.* Thus, the identifying tag is information added to the frames. *See column 3, lines 52-61 of Bellenger.* The tagging of incoming frames, which modifies the frames, in order to preserve frame ordering poses a number of problems that the claimed invention addresses. *See page 3 (Background Section) of subject application.*

To anticipate a claim under 35 U.S.C. §102(e), Bellenger must teach each and every element of the claims. "A claim is anticipated only if each and every element as set forth in the claim is found either expressly or inherently described, in a single prior art reference." Verdegall Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987).

Herein, Bellenger describe the use of the same identifying tag for all frames in a flow. Bellenger,

 however, clearly does not describe or even suggest the assignment of a different pointer value to each frame as now claimed.

In addition, since Bellenger utilizes a tagging scheme, which involve modification of the frames themselves, Bellenger does not describe or even suggest that each pointer value associated with each respective frame is used to preserve a state of frame transmission order *without modifying the respective frame*. (Emphasis added). Evidence of frame modification by the tagging technique is set forth on column 3, lines 53-54 of Bellenger.

Based on the fact that Bellenger does not describe each and every limitation set forth independent claim 1, Applicants respectfully submit that the these claims are not anticipated by Bellenger. Accordingly, Applicants respectfully request that the outstanding §102(e) rejection be withdrawn.

B. REJECTION OF CLAIMS 9, 11, 14, 19 and 20

Claims 9, 11, 14, 19 and 20 were rejected under 35 U.S.C. §103(a) as being unpatentable over Simmons (U.S. Patent No. 6,192,028). Applicants respectfully traverse the rejection because Simmons does not disclose a network interface that assigns a pointer value to each of the plurality of records denoting a relative order of frame transmission of each of the plurality of frames, the *“pointer value associated with each record in the buffer being used to determine an order in which the corresponding frame is promoted from the buffer to a system state.”* (Emphasis added). Instead, Simmons explicitly discloses that the data packets received from a network station are stored in a corresponding receive FIFO (First-In-First-Out) buffer in the order in which each packet/frame is completely received and then output from the corresponding receive FIFO buffer to the external memory interface for storage in the external memory. By definition, the FIFO buffer dictates the order in which the data packets are output from the FIFO buffer to the external memory interface for storage in the external memory. That is, a data packet that is stored first in the FIFO buffer will be output first to the external memory interface.

Thus, Simmons does not disclose any mechanism or method in which a pointer value associated with a frame or data packet stored in a receive buffer is used to determine an order in which the respective frame is sent from the buffer to another device as set forth in independent

claims 9 and 15. Therefore, independent claims 9 and 15 as well as claims 11, 14 and 20 dependent thereon are in condition for allowance. Withdrawal of the §102(e) rejection is respectfully requested.

II. REJECTIONS UNDER 35 U.S.C. §103

A. §103 REJECTION OF CLAIMS 4-5

Claims 4-5 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bellenger in view of Frazier (U.S. Patent No. 6,029,202). Applicants respectfully submit that a prima facie case of obviousness has not been established because the prior art references do not suggest all of the claim limitations set forth in claims 4-5. In particular, with respect to claim 5 for example, neither Bellenger nor Frazier, alone or in combination, suggest that a pointer value associated with a frame being transmitted over a communication link is generated in response to a receive data valid (RX_DV) signal. Instead, as shown in Frazier, the RX_DV signal is merely used to indicate valid data on the 4-bit Receive Data path (RXD<3:0>). There is no teachings or suggestion by Frazier of a signaling scheme that causes the generation of a pointer value used to determine an order in which the respective frame is promoted from a receive buffer to a system state in response to an asserted RX_DV signal as set forth in claim 5.

Hence, Applicants respectfully submit that claims 4-5 are not obvious over Bellenger and Frazier. Withdrawal of the §103(a) rejection is respectfully requested.

B. §103 REJECTION OF CLAIMS 7-8

Claims 7-8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bellenger. Applicants respectfully traverse the rejection based on the arguments set forth above. Withdrawal of the rejection is respectfully requested.

C. §103 REJECTION OF CLAIMS 10, 12-13, 15-18 and 21

Claims 10, 12-13, 15-18 and 21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Simmons in view of Frazier. Applicants respectfully traverse the rejection

because, *inter alia*, Simmons does not disclose the operation of “assigning a plurality of pointer values to a corresponding plurality of records in a buffer receiving the corresponding plurality of transmitted frames based, at least in part, on a relative order in which the indications are received, *the pointer values associated with the plurality of records being used to determine an order in which the corresponding frames are promoted from the buffer to a system state.*” (Emphasis added). In contrast, Simmons explicitly discloses that the data packets received from a network station are stored in a corresponding receive FIFO (First-In-First-Out) buffer that, by its nature, dictates the order in which the data packets are output.

In light of the foregoing, Applicants respectfully request withdrawal of the outstanding §103(a) rejection and allowance of claims 10, 12-13, 15-18 and 21.

CONCLUSION

In view of the amendments and remarks made above, it is respectfully submitted that all pending claims are in condition for allowance, and such action is respectfully solicited.

Respectfully submitted,

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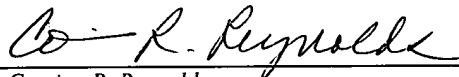

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4/29/03
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